

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CRISTOPHER MORTON,

Plaintiff,

v.

ST. FRANCOIS COUNTY,

Defendant,

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No. 4:15CV379 RWS

**MEMORANDUM AND ORDER**

Plaintiff seeks relief under 42 U.S.C. § 1983 from a state court hearing on whether his probation should be revoked. This Court lacks jurisdiction over the matter.

The Circuit Court for St. Francois County handed plaintiff a suspended imposition of sentence for age misrepresentation with intent to solicit a minor via the internet for sexual misconduct. Missouri v. Norton, No. 12SF-CR02204. Under the suspended sentence, plaintiff was placed on probation. On December 30, 2014, the Missouri Board of Probation and Parole filed a notice of probation violation in the state court. The same day, the court ordered that plaintiff's probation suspended and issued a warrant for his arrest. A probation violation hearing has been set for April 24, 2015.

In his complaint, plaintiff asks the Court "to reopen [his state court] case" because of "false claims" made against him by the court.

Federal district courts are courts of original jurisdiction; they lack subject matter jurisdiction to engage in appellate review of state court decisions. Postma v. First Fed. Sav. & Loan, 74 F.3d 160, 162 (8th Cir. 1996). "Review of state court decisions may be had only in the

Supreme Court.” Id. As a result, this action must be dismissed under Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 5<sup>th</sup> day of March, 2015.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE